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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 17-609 VC
)	
Plaintiff,)	UNITED STATES' APPLICATION FOR
)	AUTHORIZATION TO PROVIDE SEALED
v.)	MATERIALS AND [PROPOSED] ORDER
)	
JOSE INEZ GARCIA-ZARATE,)	
)	
Defendant.)	
)	

The United States, through undersigned counsel, respectfully seeks authorization to provide the initial evaluator's report of the defendant Jose Inez Garcia-Zarate dated February 5, 2020 to the evaluator assigned to the case with the Bureau of Prisons ("BOP"). Dkt. No. 111. The initial evaluator's report was placed under seal by the Court on February 6. Dkt. No. 105.

The government received a request from the BOP for "collateral material to review" to "conduct a comprehensive evaluation." The request included "relevant investigative materials," including "a criminal history report, investigative documents, interviews, surveillance materials, any documents signed or completed by the defendant, pre-sentence reports, pre-trial report (if available), information

1 pertaining to prior cases, jail documents, medical/mental health records, and any other available material
2 you deem relevant.”

3 The government provided the requested materials to the evaluator assigned to the case with BOP,
4 but withheld the under-seal initial evaluator’s report. The government then sought the position of
5 counsel for the defendant regarding providing the initial evaluator’s report to the evaluator with BOP in
6 view of it being placed under seal by the Court (Dkt. No. 105). Counsel for the defendant responded
7 that they objected to providing the report to the evaluator with BOP.

8 Accordingly, the government seeks this authorization from the Court because the initial
9 evaluator’s report is among the materials requested by the evaluator assigned to the case with the BOP
10 to conduct a comprehensive evaluation of the defendant.

11
12 DATED: April 24, 2020

Respectfully submitted,

13 DAVID L. ANDERSON
14 United States Attorney

15 _____
16 /s/
17 KEVIN J. BARRY
18 ERIC CHENG
19 Assistant United States Attorneys
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[PROPOSED] ORDER

On the application of the United States, and good cause appearing therefor, the Court HEREBY ORDERS that the government is authorized to provide the initial evaluator's report of the defendant Jose Inez Garcia-Zarate, dated February 5, 2020, to the evaluator assigned to the case with the Bureau of Prisons.

IT IS SO ORDERED.

DATED:

HONORABLE VINCE CHHABRIA
United States District Judge